NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO THE BOARD OF PATENT APPEALS AND NEERFERENCES (Small Entity)

Docket No. 01-033

In Re Application Of:

JAY S. WALKER e

al. SEP 0 9 2005

Application No. 09/973,581

Filing Date October 9, 2001 Olisa Anwah

Customer No. 22927

Group Art Unit

Confirmation No.

5776 2645

Invention:

METHOD AND APPARATUS FOR ENTERTAINING CALLERS IN A QUEUE

COMMISSIONER FOR PATENTS:

Applicant(s) hereby appeal(s) to the Board of Patent Appeals and Interferences from the decision of the Primary Examiner dated June 7, 2005 finally rejecting Claim(s) 1-22.

Applicant is a small entity under 37 CFR 1.9 and 1.27.

Applicant claims small entity status. See 37 CFR 1.27

The fee for this Notice of Appeal is: \$250.00

- □ A check in the amount of the fee is enclosed.
- The Director has already been authorized to charge fees in this application to a Deposit Account.
- The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 500271
- ☐ Payment by credit card. Form PTO-2038 is attached.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Parson C. V. Fines

Dated: September 7, 2005

Carson C. K. Fincham Attorney for Applicants PTO Registration No. 54,096 Walker Digital, LLC 203.461.7017/phone 203.461.7300/fax

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hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope adressed to the "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on

September 7, 2005

Signature of Person Mailing Correspondence

Veronika S. Leliever

Typed or Printed Name of Person Mailing Correspondence